

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	
v.	:	
	:	
LEAFORD GEORGE CAMERON	:	NO. 15-415

M E M O R A N D U M

GENE E.K. PRATTER, J.

SEPTEMBER 6, 2017

INTRODUCTION

Every defendant is, of course, unique. Each presents an individually composed history, characteristics, concerns, potential, skills, challenges, problems, and such. In this regard, then, precisely because he, like everyone, has his own story, Mr. Cameron is not unique.

Two years ago Mr. Cameron was charged via indictment with one count of mail fraud, two counts of wire fraud, and three counts of making false statements. The basic allegations concern Mr. Cameron having held himself out over the course of ten years as a licensed lawyer to persons who then retained and paid him for “legal” services, particularly relating to asylum, deportation and removal proceedings. According to the Government, Mr. Cameron is not and never has been an attorney.

Mr. Cameron first appeared in court in this case very soon after the return of the indictment, and then heading down a busy, decidedly non-linear procedural path¹ which included an aborted plea hearing, change of counsel, multiple competency hearings and evaluations,

¹ The specific provisions of federal criminal law, filing dates, chronology and subject matter of motions are all accurately delineated on the docket. Only to the extent pertinent to the argument(s) at issue will such details be recounted, in whole or in part, in this Memorandum Opinion.

interlocutory appeals to the Third Circuit Court of Appeals, and Mr. Cameron jockeying between the state and federal courts' jurisdiction concerning him. At last, on April 26, 2017, once Mr. Cameron had new counsel, was in federal custody and did not have any part of his case pending in the Court of Appeals, this Court ruled that Mr. Cameron was competent to stand trial. After all was said and done, according to the Government's assessment of the timeline and appropriate calculations, the Speedy Trial Act "clock" remains tolled at 25 days. Mr. Cameron, however, challenges that conclusion and argues by way of the pending motion (Doc. No. 54) that the indictment should be dismissed because, he argues, there are justifiable grounds to dismiss the indictment "due to the exhaustion of the appropriate time frame under the Speedy Trial Act."

The Court appreciates defense counsel's candor in acknowledging the absence of specific "affirmative" evidence to support the requested dismissal. There may indeed be some case where the combination of events, circumstances and coincidences without evidence of prosecutorial bad faith that could sufficiently support a dismissal by reason of a resulting delay *where a defendant did not contribute, deliberately or innocently, to the causes for the delay*, but this is not such a case, and the Court declines to grant the motion for the reasons briefly discussed below.

DISCUSSION

Congress has declared that a criminal trial must commence within 70 days of the filing of an indictment or the date of a defendant's initial court appearance, whichever is later. 18 U.S.C. §3161(c)(1) (hereinafter "the Speedy Trial Act"). The "clock" stops running for certain events that will permit a delay of the 70-day deadline. Some of the tolling events are delineated by the Speedy Trial Act language itself 18 U.S.C. §3161(h); others are the result of judicial analysis and reasoning. See, e.g., U.S. v. Felton, 612 F.Supp. 599, 603 (W.D. Pa. 1985) aff'd, 811 F.2d 190 (3d Cir. 1987). One of the specifically excludable events is any "period of delay resulting from the fact that the defendant is mentally incompetent..." There is no maximum amount of time

allocated for such an excludable delay.

Mr. Cameron appears to be arguing that the time he awaited transport for the competency analysis should not be counted as part of the tolled period and the clock should continue running while he awaited examination, and further that once a health care provider declared him competent the clock should be restarted. Neither argument can be the case.

In the first instance, if the Speedy Trial Act clock continued to tick while a defendant awaited safe and suitable transport to an appropriate analytical facility where a competent competency evaluation could be made then the point of the specifically permitted tolling provision triggered by incompetency would be defeated. In other words, it is only sensible for the tolling to commence as soon as the Court determines there are grounds to require a competency evaluation in order to even know if a defendant can stand trial - - otherwise the Congressionally authorized delay could be defeated before it could even be triggered. Alternatively, to keep the clock running unless and until an “incompetent” declaration has been issued risks the entirely improper result of encouraging precipitous reliance on perhaps less than competent professionals or over-scheduled professionals, to compromise their standards merely in response to the tick-tock background noise of the Speedy Trial Act clock. Such a result serves no one’s interest. Cooper v. Oklahoma, 577 U.S. 348, 354 (1996). Cf. U.S. v. DeGideo, 2004 W.L. 1240669 (E.D.Pa. May 18, 2004).² More fundamentally, it is not a result mandated by the language of the statute itself.

Counsel for Mr. Cameron labored mightily - - and Government’s counsel replied with equal rigor - - as to why the Speedy Trial Act should or should not be invoked in a new way in this case. Neither abuse of judicial procedures, Department of Justice rules nor Bureau of Prisons

² The Government has outlined an extensive collection of case law concerning the history of the Speedy Trial Act calculations in the courts as well as the role - - or rather lack of role - - for the concept of reasonableness in evaluating delays. The Court agrees that if reasonableness were a factor here Mr. Cameron has presented no evidence to suggest that anyone acted unreasonably concerning Mr. Cameron and his back-and-forth movements about competency. But the Court is not invoking a reasonableness standard.

protocols are involved here. As discussed at the oral argument on June 28, 2017, we are not presented with any problem whereby Mr. Cameron has been “lost” in the bureaucratic labyrinth while awaiting trial or competency evaluations which might justify a different approach to the Speedy Trial Act analysis. Rather, here there is a record justifying the need to professionally sort out Mr. Cameron’s assertions about his own identity, background and capacity to assist with his defense as part of the preparation for addressing the competency issue in the first place.

Therefore, the Court concludes that Mr. Cameron has not met his burden to invoke the Speedy Trial Act for dismissal of the indictment. Accordingly, Mr. Cameron’s motion will be denied. An order to that effect accompanies this Memorandum.

BY THE COURT:

/s/ Gene E.K. Pratter
GENE E.K. PRATTER
United States District Judge

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O R D E R

AND NOW, this 6th day of September, 2017, upon consideration of the Motion to Dismiss Indictment In violation of Defendant's Speedy Trial Rights (Doc. No. 54) and the Government's response thereto (Doc. No. 57), **IT IS HEREBY ORDERED** that the Motion is **DENIED**.

BY THE COURT:

/s/ Gene E.K. Pratter
GENE E.K. PRATTER
United States District Judge